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FLANNER & BUCHANAN-172 North lilingis street. Lady embalmer, for ladies and children. Office always

LOST. LOST-Pocketbook containing \$43, key and receipted bill. Reward given for return to 524 North Capitol avenue. LOST-Between Union Station and Woodruft

Place, a red leather traveling bag containing card case with name of owner, return tickets to Chicago, pocketbook with sum of money, toilet ar-ticles, etc. Finder can keep money if they will return balance to 16 Woodruff Place or the Sinker-Davis Company's office FINANCIAL.

75 East Market street. TO LOAN-A large sum; amounts to suit; com-mission and expenses lowest. No gold clause. NEWTON TODD, 6 Ingalls Block. MONEY-To loan on Indiana farms. Lowest rates, with partial payments. Address C. N. WILLIAMS & CO., Crawfordsville, Ind. LOANS-Sums of \$500 and over. C. E. COFFIN & CO., 90 East Market street.

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WANTED-MALE HELP. WANTED-An idea. Who can think of some simple thing to patent? Protect your they may bring you wealth. Write JOHN WED-DENBURN & CO., patent attorneys, Washington, D. C., for their \$1,800 prize offer and new list of 1,000 inventions wanted.

WANTED-SALESMAN. SALESMAN WANTED-\$125 monthly and expenses paid men to show our eigars to dealers; ice unnecessary; position permanent; most reliable goods and best inducements. FOLK RITCHIE CO., St. Louis. SALESMEN wanted to carry our celebrated cereal foods as a side line in Indiana; no rouble; no samples; sure seller and good pay quick for particulars. SLEEPY EYE

WANTED-MISCELLANEOUS. Address L. SMITH, 265 South Illinois

MILLING CO., Sleepy Eye, Minn.

FOR SALE OR EXCHANGE FOR SALE OR EXCHANGE-By C. W. Phillips arrels per day; in good repair and well located. Roller process mill, capacity, 200 barrels per

Two hotels, one in Indianapolis; one in North Printing office, well equipped.

several good farms, city property and property Cripple Creek Gold Rock Mining Company of colorado stock for sale at low price to develop new work; from \$10 to amount wanted; no debt of any kind on property; no preferred stock; non-assessable; output of Cripple Creek district for 896, \$16,000,000; prospective output for 1897.

Steycle factory and other property. B. and L. teck, debenture and installment. Fire, life and 40-acre farm wanted within twenty-five miles.

NOTICE-A meeting of the stockholders of the Star Saving and Loan Association will be held Jan. 2, 1897, at 7:30 p. m., at the office of the association to vote upon the acceptance of the changes in the bylaws.

H. M. HADLEY, President. H. H. FAY, Secretary.

CLAIRVOYANT. CLAIRVOYANT-Mrs. T. Griswold, the great clairveyant and palmist, tells you every hope, fear and ambition of life; everything revealed; gives advice on business, love and marriage. Office and residence, 296 East South street.

BUSINESS CHANCE.

BUSINESS CHANCE-\$250 will buy a good paying business. Address W. A., this office, PALMIST.

PALMISTRY - Juanita, the Gypsy palmist.

Readings 25c up. 88 West Ohio street. LEGAL ADVERTISEMENTS.

NOTICE TO CONTRACTORS-CEMENT. STONE WORK, ETC. The Board of Regents of the Indiana State Soldiers' and Sailors' Monument, will, on the 5th (fifth) day of January, 1897, at 11 (eleven) o'clock

a. m., at the office of the board, Room No. 93. State Capitol, Indianapolis, Indiana, receive terials for the finishing of the place surrounding the monument in the city of Indianapolis. Indiara, in strict accordance with the drawings and specifications of Bruno Schmitz, architect of the monument. Said drawings and specifications are now on file in the office of R. P. Daggett & Co., om No. 28, Marion Building, Indianapolis, In-A certified check, to the amount of \$1,000 (one

asand dollars), payable to the order of the Board of Regents, Indiana State Soldiers' and Sailors' Monument, is to accompany each bid as a guarantee that the successful bidder will enter into a contract for the completion of the work named in said bid The successful bidder will be required to fur-ish an acceptable bond, for the faithful performance of the contract, to the amount of 40 per

The Board of Regents reserves the right to re-By order of the Board of Regents State Solallors' Monument. EDWARD P. THOMPSON, Sec'y.

Ceremonies for Christmas. Come, bring with a noise, My merry, merry boys,

The Christmas log to the firing: While my good dame, she Bids ye all be frec; And drink to your heart's desiring With the last year's brand

Light the new block, and For good success in his spending On your psaltries play, That sweet suck may Come while the log is a-tending.

Drink new the strong beer, Cut the white loaf here: The while the meat is a-shredding For the rare mince pie. And the plums stand by To fill the paste that's a-kneading.

-Robert Herrick. They Strive to Please.

Philadelphia Inquirer. The Cuban resolutions well pleased the Cubans. The pocketing or defeat of the the managers say that they would now resolutions will please the Spaniards. Thus the Cuban sympathizers, the business interests of this country, the Cubans themselves | however, is on the increase, and all of the and old Spain will all be pleased. It is the roads are looking for larger trade after business of politicians to please everybody | the holidays. or come as near it as they can.

Christmas Joy for Silverites. Louisville Courier-Journal. All is not gloom beneath the skies of the

silverites. Two or three banks have falled in the last two or three days, and every time a bank falls the silverite thrills with

Pure wines at Schuller's. Guaranteed.

WO-CENT-A-MILE RATE

SOME OF THE RESULTS WHICH MIGHT FOLLOW ITS ADOPTION.

The Vandalia Seeks to Enforce an Old Contract of the Illinois Midland-Rumors About the L. D. & W.

It is understood that the railroad labor organizations will oppose the passage by the Indiana Legislature of a bill making 2 cents per mile the fare on roads in this State, on the ground that it will mean a reduction in their wages, while, on the other hand, the Travelers' Protective Association, made up of commercial salesmen, will work in favor of the passage of such a bill. That all the T. P. A. men do not look with favor on the proposition is evident from the following letter, written by the chairman of the post of the T. P. A. at Lafayette just before the election. The letter was addressed to General Passenger Agent Daly, of the Lake Erie & Western, and

"The railroad employes of this city are threatening to vote against any candidate who favors a flat rate of 2 cents, claiming that their salaries would be reduced if such a law should be enforced, as no doubt the revenue of all railroads would be very much decreased. After considering this matter carefully it looks to me as if the T. P. A. acted a little hasty. I cannot see wherein the traveling man would be benefited by having a flat 2-cent rate. He only pays 2 cents now, and surely cannot have any personal gain except the imaginary satisfaction of getting even with the railroad companies. The question is, will it pay the traveling man to antagonize the railroad companies? I think not. If railroads are compelled by the Legislature to make a 2-cent flat rate, it would not be surprising to see such retaliation put forth by the railroad companies in the way of accommodations, limits and baggage privileges as would make the commercial traveler wish that such a resolution had never been adopted. In asking that all candidates for the Legislature should be pledged to support the bill making a flat rate of 2 cents per mile on all railroads in their respective States, the traveling man has been misled by undue, overzealous efforts on the part of the leaders in the national convenion in their desire to force the issues of an interchangeable mileage book by run? It is predicted that it will not. Good advice is to drop the whole matter and let well enough alone. Railroads are operated for the money there is in them, and there is no reason why they should be asked to haul passengers at rates that would prove a loss to them. It looks out of all reason, and the traveling men in this State should consider well before signing any petition.

Enforcing an Old Contract.

At the moment when it is asserted that the Pennsylvania Company, operating the Vandalia lines, was anxious to unload the Terre Haute & Peoria division, it is announced that the Vandalia is seeking to protect its interest in the line, and in the United States Court at Springeld (Ill.) has secured a restraining order against the Peoria & Pekin Railroad Company, commencing litigation which will reach back to the early days of the Peoria & Pekin Railroad Company. In February, 1881, the old Illinois Midland made a contract with the Peoria & Pekin Union for entrance into Peoria over the tracks of the latter. The annual rental was placed at the sum of \$13,000 per annum. It was a wide-open contract, and gave the Midland the right to use the track as far as Pekin if it so desired. Afterwards the Midland went into name of the Terre Haute & Peoria, and for about a year no track rental was paid at all. The Terre Haute & Peoria simply paid a per car charge to the terminal road. When the Vandalia secured control of the Terre Haute & Peoria the claim was made by the Vandalia people that the old Illinois Midland contract was a living contract. It had been made for fifty years. On the other hand, it was held by the officials of the Peoria & Pekin Union that when, during its period under a receiver the Terre Haute & Peoria had paid no track rentals at all, the contract was abrogated and lead, and that the Peoria & Pekin Union had the right to raise the annual rental to a like amount with the other tenant and parent lines. All of the roads coming into the Union Depot excepting the Vandalia pay an annual rental of \$22,500, and it can thus be seen why the Vandalia people were so very anxious to insist that the old contract was still in force and binding. The Peeria & Pekin Union gave them until a certain date to pay up at the increased rate, and the Vandalia went before a court and secured an injunction to prevent the Peoria & Pekin Union from shutting them off from the use of the Peoria terminals. That injunction was recently dissolved, and he Peoria & Pekin Union at once gave the Vandalia notice to pay up the full amount by Dec. 21 or cease coming into Peoria. The next move of the Vandalia was to secure the restraining order spoken of above. It is probable early in the new year the whole question will be settled and it will be known once for all whether or not the original contract for fifty years still

Future of the I., D. & W.

A rumor was current yesterday that A. Galloway was to come back to Indianapolis and take the superintendency of the Indianapolis division of the Cincinnati, Hamilton & Dayton, the superintendency of the Indiana, Decatur & Western and the and that S. B. Fleter was to be superintendent of the main line between Cincinnati and Toledo. R. B. F. Peirce, general manager of the Indiana, Decatur & Western, was seen last evening and asked as to the truthfulness of the report. He said he dcubted it; that such a step would hardly be taken, so far as the Indiana. Decatur & Western was concerned, without his being informed. However, President Woodford has asked Mr. Peirce to meet him while the latter was in the West, and there might be something of that kind contemplated; but his opinion was that the Indiana. Decatur & Western would be operated for some time to come as at present. No decision had yet been given in the litigation pending between the second mortgage bondholders of the Indiana, Decatur & Western and the first mortgage bondholders, who made the deal with the Cincinnati, Hamilton & Dayton syndicate. and the matter will be carried to the United States Supreme Court should the decision of the Illinois Court be against the second mortgage bondholders, which would mean a further delay in the Cincinnati, Hamilton & Dayton syndicate showing its hand as to control of the Indiana, Decatur & Western.

Ruling by Chairman Caldwell. Chairman Caldwell, of the Western Passenger Association, handed down a ruling yesterday regarding a resolution recently provides that whenever round-trip excursion rates are authorized to any point for any purpose whatever an iron-clad description of ticket or exchange order shall be freight had broken in two. As a result, the used, and it shall be understood that such tickets shall be executed for the return passage at destination only, unless it is distinetly provided otherwise in the resolution The chairman rules that this provides for all iron-clad round-trip excursion tickets and exchange orders, and that the tickets must be executed at the point of destination only for the return trip, no matter whether it is or it is not so specified.

Rates Will Be Maintained. The Western railroad managers say that never before in the history of American railroading has there been a time when the rates, generally speaking, were as well maintained as now. The year has been full of the reorganizations of the different associations, both for freight and passenger business, and the reorganizations seem to have borne excellent fruit. The year has been a hard one for most of the roads, but have little to complain of if only the volume of traffic were a little larger. That,

Low Rates to Indianapolis. The Illinois roads in the Western Passenger Association have been authorized by the chairman to make the same rates from Chicago and St. Louis as have been adopted by the roads of the Central Passenger Committee for the meeting of the Affiliated Scientific Societies in Boston in the last |

tional monetary conference at Indianapolis in January. The rates are one fare for the

Personal, Local and General Notes. W. N. Kurvy has been appointed assistant ticket agent of the Chesapeake & Ohlo in New York On Jan. 1 John J. Archer will become the general freight agent of the Ohio River Railroad and its branches.

J. A. Barnard, general manager of the Peoria & Eastern, has gone to Cincinnati to be absent until Monday. The Lake Shore will expend several thousand dollars at Youngstown, O., in enlarging its yards and depot facilities. A. J. O'Reilly, general agent of the

Monon at this point, is spending the holi-days with his family, in New Orleans. The roads centering at Toledo, O., at meeting held on Tuesday adopted the Michigan system of baggage transfer charges. W. F. Bruner, assistant general passenger agent of the Vandalia lines, was in the city last evening en route to Cleveland to spend Christmas. Andrew Anderson, who has been with the

Baltimore & Ohio since 1860 as secretary. will retire on Jan. 1 and C. W. Wolford will G. H. Denton, commercial agent of the Chicago, Rock Island & Pacific, will on Jan. 1 change his headquarters from Council Bluffs to Omaha. On the first of the year George Ohmer

will take entire control of the dining car service on the Cincinnati, Hamilton & Dayton and Monon lines. W. H. McDoel, receiver and general manager of the Monon, was in the city yesterday to look after some matters in connec-

tion with his receivership. Frank Divine, chief clerk of Assistant General Freight Agent Tillinghast, of the Big Four, at Chicago, is spending the holidays with his parents in this city. The twenty-two new coaches which are

being built at Altoona for the Pennsylva-nia lines west of Pittsburg will be equipped with the Edwards patent car windows. ing placed in the best physical condition as rapidly as possible. The work of ballasting the road is completed nearly to Adrian, Mich.

passenger department of the Pennsylvania lines in the Northwest, with headquarters at Omaha, will spend Christmas with his brother in this city. Mr. Bevington, now chief clerk of General Passenger Agent Charlton, of the Chicago & Alton, will on Jan. 1 succeed D.

W. W. Richardson, who represents the

of the Great Northern. The passenger department of the Pennsylvania has in contemplation the setting apart of an apartment on its limited express train as a nursery, furnishing a maid threats of a 2-cent mile flat rate. They to look after the interests of the children. may succeed in this, but will it pay in the It is claimed by the Baldwin locomotive works that the heavy ten-wheel freight en gines they are now delivering to the Louisville & Nashville are the most perfectly built freight locomotives yet constructed in

The new time table of the Louisville Nashville is now in effect, shortening the running time between Louisville and New Orleans two hours. Sleeping cars for New Orleans, Memphis, Jacksonville and Atlanta are hauled on this train.

The Toledo, St. Louis & Kansas City earned in the third week of December \$41,376.91; increase over the corresponding week of 1895, \$6,727.77. The increase for the first three weeks of this month was \$28, 783.55; increase since July 1, \$145,670.57. The fast freight service of the Merchants Dispatch has been extended to Boston and Philadelphia. The schedule of the train is fifty-seven hours from Boston to Indianapolis. The schedule from New York to Indianapolis has been cut down to forty-

A Hardie compressed air motor was given a test on the tracks of the New York Central Railway at Rome yesterday. The engine hauled four loaded freight cars with ease. It will be given a test on the Thirdavenue elevated railroad in New York city

M. L. Hurd, who for some years has been local freight agent of the Peoria, Decatur & Evansville, at Peoria, will retire on Jan. to engage in the grain business. J. Youse, jr., formerly with the C., H. & D. has been offered the position, but he has

The hospital service of the St. Louis Iron Mountain will be concentrated with that of the Missouri Pacific system at Little Rock. Heretofore there has been an emergency hospital at Van Buren, and it will be absorbed by the one at Little Rock. This will increase the hospital service at

Frank Montgomery, who has been traffic manager of the packing house of Fowler & Co. at Kansas City, has been appointed commercial agent of the Santa Fe at that point, vice F. H. Mather, resigned Mr. Montgomery was formerly traveling freight agent of the Nashville, Chattanooga & St.

Louis in this territory. The steel rail pool, organized in November, 1893, advanced the price of rails from \$20 per ton to \$22 and then to \$28. This had the effect of checking the purchase of rails, reducing the annual amount from 2,-000,000 tons to 800,000 tons in 1896. thought the recent fall of \$3 per ton is likely to improve business. The Pennsylvania Company proposes to build a locomotive at its shops in Fort

Wayne weighing 170,000 pounds, three thou-

sand more than the X class engines, and equipped with all modern improvements. The company anticipates that it will be the most powerful and speediest locomotive yet built by that company. On Wednesday E. R. Reynolds, general manager of the Long Island Railroad, retired after eighteen years' service with the ompany. He was the intimate friend of the late Austin Corbin, whose implicit confidence he enjoyed. He was appointed general manager in 1892. George C. Hubble, purchasing agent of the road, will retire on

The Railway Age, in commenting on the railway construction in 1896, shows that the mileage of new track laid is almost precisely the same as that of 1895-1,802.39, against 1.802.39 in 1895. For ten years the railway builder has traveled a steadily descending road of activity from 13,000 miles

Jan. 1 W. G. MacEdward's promotion takes effect. His title will be division passenger agent of the Erie main line from Hornellsville to New York, and he will have Honesdale branches. Mr. MacEdwards was for some years agent of the Chicago & Erie at Huntington, Ind., and later was promoted to traveling passenger agent of the Erie lines.

The official report of J. B. Eckman, district inspector, to Paul P. Rainer, chief inspector of the joint rate committee inspection bureau, shows that in November the actual gain from weighing car-load freight of the several local lines at Indianapolis was \$6,136.19; from weighing platform freights, \$1.851.75; clasification changes and weight of inspection, \$415.19, making the total gain for the month \$8,403,13.

The New York State Railroad Commission has granted the application of the New York & Brooklyn Railroad Company to construct a tunnel railroad under the East river from New York city to Brooklyn. The granting of the application will not interfere with the rights of the New York and Brooklyn Tunnel Company and the Brooklyn, New York & Jersey City Terminal Company, which companies some future time may make similar appli-

cations. A singular accident happened a short distance west of Columbus a day or two ago | State. at the crossing of the Panhandle and Big Four. A Panhandle freight was pulling over the crossing and at the same time a The man in the tower heard the last cars and threw up the safety signal for the Big Four, not noticing that the Panhandle rear part of the train, six cars, came up and crashed into the Big Four train, making an ugly wreck.

The longest railroad bridge in the world has recently been opened to traffic. It crosses the Danube river at Czernaveda. For more than nine miles this bridge crosses the Danube proper in the so-called territory of inundation, which is annually under water for a certain period. The largest span is over the main current of the river. one being six hundred and twenty feet, and four one hundred and fifty-five feet each. The total length of the bridge proper, without approaches, is 13,325 feet. The height of the bridge is such over the main channel that at high water the largest vessels sailing on the Danube can pass under it. A freight official who has recently been South says that capitalists are turning their eyes toward Galveston with the intention of making it a more important export point. The aggressiveness of New Orleans in this direction, backed by the Illinois Central, has created considerable rivalry on the part of business men of Galveston and the Missouri, Kansas & Texas Railroad Company. Work is to be begun at once in the erection of an elevator of 750,000 bushels capacity, and improvements are to be made at the wharf front at a cost of \$200 .-000. The erection of this building will increase the elevator capacity at Galveston to 2,150,000 bushels.

The way to cure catarrh is to purify to purify the blood is by taking Hood's Sarsaparilla, the One True Blood Purifier, Hood's Pills are prompt, efficient, always few days of this month and for the na- reliable, easy to take, easy to operate.

THESALARYLAWUPHELD

ACT OF 1895 INDIRECTLY SUSTAINED BY SUPREME COURT DECISION.

Two Judges Dissenting in the Opinion Handed Down-Auditors Must Have Legislative Relief.

The long-looked-for decision in the fee and salary litigation was handed down by the Supreme Court yesterday, and the fee and salary law of 1895 is indirectly sustained in the decision by a bare majority of the court. The decision was upon the suit of Louis H. Legler, auditor of Vanderburg county, who sued for services under the law of 1879. The case was, on March 31, given by the court to Justice Jordan, now chief justice of the court, to write an opinion. He brought in his opinion on Dec. 16 last, everthrowing the aw. The court did not agree to this, Judges Howard, Monks and Hackney voting against it. The case was then given to Judge Howard, who wrote the majority epinion handed down yesterday. Judges Jordan and McCabe gave dissenting opin-

The majority opinion of the court holds that the law of 1979 was repealed by the law of 1891, which was sustained by the court, and that Legler is entitled to services only under the law of 1895. Thus, while it does not directly declare that the law, of 1895 is valid, it does do so indirectly. The track of the Lima Northern is be- Judge Jordan cites several reasons in dissenfing, the chief of which is that a number of special or local laws fixing the compensation of each officer in each county cannot be bunched in a general law. He holds that a fee and salary law, in order to hold, must prescribe a standard or rule applying alike to all counties, from which the compensation of each officer can, upon the basis prescribed, be ascertained. Judge Davis as assistant general passenger agent | McCabe dissents upon much the same grounds as Judge Jordan, but differs from him in some details.

THE COURT'S DECISION.

Opinion of the Majority as Written by Judge Howard. Judge Howard, after stating the case, showing that Legler had applied for com-The provisions of the act of 1895 which the commissioners deemed sufficient to authorize the rejection of the auditor's claim, are found in Section 126 of the act, in which it is declared that "if the clerk, auditor, treasurer, sheriff and recorder, in their respective counties, have not turned into the county treasury, out of the fees they may have collected, a sufficient sum to equal the total amount of their respective quarterly allowance of salary. nen a sum only shall be allowed equalizng (equaling) the sum turned into such treasury by each respective officer actually earned during his term of office. And as the auditor had not paid into the county treasury any of the fees collected by him, the board found that, under the

Many other provisions of the act as also of the action 1891, make it manifest that under the acts shown the complaint the auditor could be lowed no part of his quarterly salary under either of these acts. Section 21 of the act of 1895, and the same section of the act of, 1891, provide for salaries for each of the county officers in the everal counties of the State; and, in both sections, the express declaration is made hat "they shall receive no other compensation whatever." Words could hardly be stronger or more explicit. All fees and other emoluments whatsoever are absolutely cut off; and each county officer is

fined strictly to the salary provided for

provisions of the act of 1895, he could, of

course, be allowed nothing upon his sal-

him. For all his services and expenses he receives that salary, quarterly, by allowance of his Board of County Commissioners, and nothingy more from any Section 115 of the act of 1895 and Section 16 of the act of 1891 provide that the auditors of the various counties shall tax and charge the fees and amounts provided by law on account of services performed by them. And, further, that "the fees and mounts so taxed shall be designated auditor's costs," but they shall in no sense elong to or be the property of the auditor. but shall belong to and be the property of the county. The ensuing section in each act carries out the same requirement. Thus inforced and emphasized-any fees or other emoluments collected by any county officer belong, not to the officers, but to the

is the declaration made in Section 21 recounty. Even if the fees or other allowances should, for the time being, be collected from the county itself for services which the officer has rendered to the county; still, even in that case, such fees or allowances would not, for that reason. long to the officer, but would, like other fees and allowances, be paid by him into the county treasury at the end of the quarter, to increase the fund out of which the officer's quarterly salary should be paid. THE LAW VERY SPECIFIC

Finally, lest any lingering doubt should remain in the mind of the county board when about to pass upon the quarterly allowance of salary to the county officer, it ing in the act shall be construed, in any event, as to allow both fees and salaries. per annum to 1,802 miles. The railway mile- 1895, had also the words, "except as other-STORAGE-Indianapolis Warehouse Co., 265-273 terminals of both roads at Indianapolis, age of the United States is now 182,800 wise specified." but it is not anywhere and that S. P. Flotor was to be supposed by supposed the United States is now 182,800 wise specified." otherwise specified," save in relation to the treasurer's 4 per cent, for collection of delinquent taxes, and in relation to the laws are based. There the courts take sheriff's fees "in the execution of all processes issued from any other county than jurisdiction over the Jefferson. Tioga and | that of his residence." a The words, therefore, with these two exceptions, add nothing to the section. The intent of the Legislature, as drawn from the whole act and from each of its provisions, must prevail; nd this intent, read, as it must be, in the light of the circumstances surrounding the passage of the act, the earnest desire shown to destroy the evils y hich had grown up under the fee system, plainly is. that the salary named for each officer shall constitute his whole compensation for all services, and that every fee and emolument whatever, collected from whatsoever source, shall be paid by him into the county treasury at the end of each quarter; and that out of the fund so made up his quarterly salary shall be paid by allowance of | been necessary. the Board of County Commissioners. MAY BE PROSECUTED.

And should any officer so far forget his duty under the law in this respect as to fail to pay over to the county treasurer the amounts collected by him, then, besides forfeiting his salary, it is provided by Section 132 of each act that he shall be liable to criminal prosecution in the name of the

Appellant alleges in his complaint that he has made the report required under Secadopted by the association. The resolution | Big Four freight was approaching slowly. | tions 124 and 125, respectively, of the two It is not enough, however, to have of the Panhandle go by, as he supposed, | made the report of fees collected. The sections also require of the several officers that "They shall pay to the county treasurer the amounts shown by said report, and take the county treasurer's receipt therefor, which receipt shall be filed in the county auditor's office, and the auditor shall give to the officer a quietus for the amount paid by such officer." This, appellant admits, he did not do. It is no excuse for his failure to observe the law that he needed the money for his own use or for office expenses. It was not his money to use or pay out, but belonged to the county. to be paid over by him to the county treasurer at the end of the quarter, and before he should be entitled to any allowance of ley, 143 Ind., 306; Woods vs. McCay, 144 salary. It will not do to say that this is a Ind., 316.) useless and troublesome proceeding. The law maling power of the State, for reasons which were deemed good and sufficient. declared what should be done, and how it should be done. It is for all men to obey the law as it is written, but particularly for the officials of the State, who have taken a solemn oath to do so. It seems very clear, then, that appelary under the provisions of the law of 1895 or of 1891. His claim, however, and the real theory

of his complaint, Ms that those acts are invalid, and that he should be paid under provisions of the act of 1879. indeed, the act of 1895 and that of pealed by either of such later, but void, acts. The enactment of each would have the older statute untouched as the only the blood, and the surest, safest, best way living and valid fee and salary law; and

same subject and in terms repeals such other act, then, in case the later act is found to be unconstitutional, the repealing section or clause will also go down with the rest of the void act, the Legislature not having shown any intention of repealing the older statute except by the substitution of the later one in its place. If, however, the act of 1895 or that of 1891 should be valid and constitutional, then the act of 1879, repealed thereby, would no longer be in existence, and, hence no fees or salaries could b charged or paid thereunder.

FORMER DECISIONS. It would seem that this question, at least so far as relates to the constitutionality of the act of 1891, should be considered as closed by former decisions of this court. In Henderson vs. State, 137 Ind., 552, the law was held valid as to sheriffs. This holding was adhered to in State vs. Krost, 140 Ind., 41, and the law was there also held valid as to fees which a recorder should charge for recording a mortgage. In State vs. Boice, 140 Ind., 506, while the Body. We law was found defective in certain partically kinds of mars, yet the rulings in Henderson vs. apparaus and State and State vs. Krost were adhered to; and it was also expressly held that the act of 1879 had been repealed, as well as at Infirmary, that, under the act of 1891, an officer could not receive both fees and salary. Finally, in Welsh vs. State, 142 Ind., 357, it was held that, by the act approved Feb. 25, 1893 (Acts 1893, 142), the defects found in the act of 1891 had been cured, and consequently that from and after May 18, 1893, when the amending statute went into effect, the act of 1891 became valid and constitutional in all respects. If those decisions are to stand the act of 1879 has been effectually repealed, and was no longer in existence at the time when appellant's services were rendered, and he can, therefore, be allowed no compensation there-

If respect is to be entertained for the decisions of a court those decisions, unless clearly wrong, must be maintained by the court itself and by all its members, even those who may have questioned the wisdom of the action first taken. The doctrine of stare decisis-in other words, to stand by the decided cases and not needlessly disturb what has been settled-is one of the most wholesome rules of procedure. When a question has been deliberately passed upon by the highest tribunal of the State the people should feel that they may repose securely under the decision The stability of property rights and the safety of individual conduct and obligations, no less than the confidence with which officials may direct and measure their action under the law thus expounded, all demand that, unless for good reason shown, decisions once made should be adhered to.

In the case before us the fee and salary law of 1891 was recognized as valid by the Legislature of 1893, in the amendment then made to the act. Yet more, after the General Assembly had thus twice recognized the validity of such reform legislation, and after this court, in Henderson vs. State; State vs. Krost, and State vs. Boice, supra. had affirmed its constitutionality, the Legislature of 1895 enacted another law, based upon the same system, and, indeed, to a large extent, directly copied from the law of 1891. Finally, in Walsh vs. State, supra, after three Legislatures had thus sanctioned the principle of the act of 1891, and after its constitutionality had thus three times been affirmed, this court again explicitly affirmed it, and this time effectualclosed the doors against the return of the act of 1879. It would seem, as said in Stout vs. Board, supra, that "a fair case for the application of the doctrine of stare decisis is presented. It is, however, said by counsel that the reasons now urged against the validity of the act of 1891 were not presented or considered in our former decisions. This contention can hardly be admitted, in view of the earnest and vigorous dissenting opinion in the case of Henderson vs. State, supra. As to questions concerning the uniformity of laws, general and special, or local laws, gradation of fees inversely as the population of the several counties, with other questions now pressed upon our attention, and all of which were discussed in the dissenting opinion in that case, it goes without saying that they were not then passed over without careful consideration by the court. What a court has takfor consideration is not always shown by what it has decided, but frequently also by what it has refused to de-

The learned counsel for appellant have made plausible arguments to show that under our Constitution a proper law for the compensation of county officers should be general, and not local or special. That what our fathers thought when they framed the Constitution in 1851. after thirty years' trial, under constitutional provisions forbidding 'local or special laws' regulating the compensation of county and township officers,' and 'in reation to fees and salaries, the people discovered that, with such provisions, it was impossible to eradicate the abuses that had grown up in connection with the odius fee system; and, in 1881, to cure the evil which the Legislature had been powerless to correct, they injected into the fundamental law the provision that local and special laws might "be so made as to grade the compensation of officers in proportion to the population and the necessary services

THE "SPECIAL LAW" CONTENTION. In the additional brief for appellant, counsel go almost to the logical limit of their argument, by gravely suggesting 'that Article 4. of the Constitution) did not modify or change the legal effect of that provision,' except, possibly, that it may have been intended that the fees of officers might be graded by "the fixing of a different fee for the same service in one county from that prescribed in another." * * * But, with all their fertility of invention, have failed to indicate to us how : general law in relation to the compensation of county officers should be framed illustrations of what such a lay should be relate almost exclusively to pop ulation of counties, and not to service of officers. But it was not necessary to amend the Constitution in order to frame a general salary law, based upon the population of the different counties, * * * The principle of such a general law, as

based upon the relative population of the several counties, would not be essentially different from that upon which our legislative and congressional apportionment jurisdiction and determine the question as to whether the Legislature has complied with the provisions of the Constitution, for the reason that the sexennial enumeration, taken in connection with such apportionment, enables the court, quite as well as the Legislature, to know whether the Constitution has been complied with (Parker vs. State, 133 Ind., 178; Denney vs. State, 144 Ind., 503.) Here, also, if the officer's compensation were to be based solely upon population, the court might certainly determine whether the mandate of the Constjtution had been complied with. The law would be a general one, based upon population, as disclosed by the United States census, or otherwise, and in such case the amendment to the Constitution, providing for local or special laws, would not have

HOW IT SHOULD BE DONE. But the grading of the compensation of officers according to services rendered, or according to both the population and services, can evidently be done only by the enactment of a local and special law, or local and special laws. And the discretion of the Legislature in relation to the passage of such laws, unless grossly abused, cannot be inquired into, for the sufficient reason, if for no other, that the courts cannot, as in apportionment cases, have any adequate means of knowing whether the legislation, in respect to the services of officers, was in compliance with the requirement of the Constitution or not. The services will vary according to local conditions and the varying business of the different counties, of which there can be no judicial knowledge. Such laws, as to compensation of officers for services rendered, must, therefore, be treated as are those relating to the removal of county seats, the formation of Circuit or Superior Court districts and the like local matters. and in accordance with the well-established doctrine that, whether a general law was applicable or not, is a question for the Legislature, and not for the courts. (Gentile vs. State, 29 Ind., 409; Mode vs. Beas-The new power granted by the amendment is, therefore, one that relates particularly to services, no such additional

power being needed, so far as population is concerned. But it said that the section of the law providing that an officer shall be entitled only to so much of his salary as he has collected in fees, shows that the act is not lant was not entitled to receive any sal- based in any degree upon population, but wholly upon services. This seems plausible; but, when closely looked upon, the argument will be found fallacious. The fees themselves are dependent, not only upon services rendered, but also upon extent of population of the county; for the fees must be affected in amount by the number of 1891 should both be invalid, then the act of people requiring official services, no less 1870 could not, of course, have been re- than by the number of acts of service required by each person. Hence, while population alone cannot be the sole measure of been a vain ceremony and would have left | services required; yet extent of population will always enter into the calculation when the amount of the officer's compensation is appellant's claim, so far as well brought to be fixed. The sections referred to, thereunder that law, should have been allowed, fore, come to this: that, in any case, even This would follow from the rule that after the salary is determined, taking popuwhen a legislative act is evidently intended lation and services into account, yet the to take the place of another act on the Legislature, although having exercised its tion may be made local and special, in or-

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best judgment, must nevertheless remain. in some degree, uncertain whether the compensation so fixed may not be too great; and nence, it is provided, in substance, that the salary shall, in no case, exceed in amount the fees collected. This limit of compensation is precisely that which would obtain even under the fee system, where the elements of population and services must likewise measure the compensation. Here the salary takes the place of fees; but no more reason exists here than there for contending that the compensation, in any case, is dependent upon services alone, instead of upon population and services.

JORDAN DISSENTS.

Contends that the Law Is Not General in Its Effect.

In dissenting from the opinion in chief, Chief Justice Jordan says: I am unable to concur with the holding of the majority of the court, which, in effect, affirms the constitutional validity of that part of the acts of 1895 providing for the salaries or compensation of county

I deem it necessary to give the principal reasons in support of the conclusion which have reached relative to the question which, in my judgment, is herein involved. It is evident that each of the sections of this statute, fixing the compensation of the officers in the respective counties, is a iocal and special provision, and cannot be applicable to any other county in the State. None of these sections are general or of uniform operation throughout the State

That the salary features of the act of 1895 (being the sections by which the compensation of county officers is fixed) are of such local and special character as to have rendered them all repugnant to Section 22, Article 4 of our Constitution as it existed erior to the amendment of 1881, cannot be lenied. (Madison, etc., Co. vs. Whiteneck, Ind., 217; Cowdin vs. Huff, 10 Ind., 83; Fulk vs. Board, etc., 46 Ind., 150.) The question then arises, does the law offend this section, as amended? The prorisions of the Constitution in question are is follows, the part in capitals being added by the amendment of 1881: "The General Assembly shall not pass local or special aws in any of the following enumerated

cases-that is to say: * * * In relation to fees or salaries; EXCEPT THAT THE LAWS MAY BE SO MADE AS TO GRADE THE COMPENSATION OF OFFICERS IN PROPORTION TO THE POPULATION AND THE NECESSARY SERVICES RE-QUIRED." * * * LAW MUST BE GENERAL. The plain meaning and intention of the

the basis prescribed be ascertained. Of means to be employed by which the required grading may be accomplished. by what means the population may be aswhether by the federal census or by some census taken under a State law, or by the vote cast at the general election, is a matter of legislative choice, and likewise also the standard fixed for grading as to the required services. The law of 1895 contains no provision, rules or standard by which the salaries in question may be graded by its operation. The salary of each officer as therein fixed is purely local and special, having no application whatever to officers n any other county. Each of these nine ty-two section of the act are in operation and effect the same as so many separate local and special laws, each is made to apy. It must be conceded that each of these sections have such fixed provisions as to render it nonelastic, and in no event and inder no circumstances can its provisions operate beyond the particular geographical subdivision fixed. The salaries provided for he officers of Vigo county can never apply o those of any other county, neither can hey vary with the changes of population or required services. It must be presumed hat the compensation as fixed in each county is to continue for all time, as nothng to the contrary is disclosed. Surely, the exception engrafted upon the fourteenth clause of Section 22 was not inended to take the subject matter, i. e., 'fees and salaries," entirely out of the pronibition of the section. The exception at most is intended to qualify the inhibition n two particulars only, that is to say, the legislation in relation to fees and salries must still be general, but the laws be so made" as to embrace local or special features, grading the compensation f officers so as to adjust the same to popdation and services. Certainly it cannot be asserted that the Legislature under the graded according to population and serv- | we blame the tramp or other self-supportrequired services, except the mere declaration in Section 21 that such is the fact. Such a legislative flat that a salary law has been enacted in compliance with the investigation as to its constitutional validity, upon that feature, than could one been made according to the number of male inhabitants over the age of twentyone years. This under the decisions in been held to be a judicial question. Consequently, a legislative declaration can not preclude the courts from an examination relative thereto. (Parker vs. The State, 133 Ind., 178; Denny vs. State, 42 N. E.,

While the act in controversy, by the declaration in Section 21, professes have graded the salaries in question in accordance with the population and necessary services required, it is manifest that under the provisions of Section 126 such is not, in reality, a fact, as the compensation limited by this section has no reference to population, but is based upon, or limited, to the fees actually earned by the officers during their term of office. The reasons which are now urged against the validity of this law, as herein stated, were not considered in the case of Henderson vs. State, 137 Ind., 552, nor were they in any other case before the court arising under the act of 1891, hence the decision in the Henderson case cannot be accepted as a termination of all the questions arising in the case at bar, and the rule of stare decisis for this reason can exert no controlling influence. Without further extending this opinion, I think t clear, upon the grounds stated, that the salary provisions relating to county officers of the law of 1895 are open to the vice of local and special legislation, prohibited by Sections 22 and 23. Article 4, of the State Constitution, and that the Legislature has not enacted this statute upon the lines required or intended by amendatory exception to Clause 14 of Section 22. Therefore, it follows that the provisions in question are repugnant to the above sections of the Constitution, and, consequently, are absolutely void.

M'CABE'S VIEW.

Agrees with Jordan's General View,

but Differs in Particulars.

Justice McCabe, who also dissents, says: I concur in the dissenting opinion of Judge Jordan for many of the reasons given by him for holding so much of the fee and salary law of 1895 unconstitutional as relates to the compensation of county offi-I concur in the said opinion especially

that the question raised by the particular

objection now urged against the part of the act mentioned was not considered and not decided in Henderson vs. Stout, 137 But I do not agree with him in all the reasons assigned by him for holding that part of the act unconstitutional. All must agree that local or special legislation on the subject of fees or salaries is prohibited by Section 22 of Article 4 of

the Constitution, except that such legisla-

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the county are to be taxed, collected and

paid into the county treasury as the prop-

erty of the county; it then gives to each

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der to grade the compensation of officers in proportion to the population and necessary services required. It is not denied that the part of the act in question is local and special. Now, if it does not grade the compensation of officers in proportion to the population and necessary services required, then it falls clearly under the condemnation of the provision of the section of the Constitution mentioned against local legislation. The fees which the act provides for the services of the various officers of

officer a stated salary, to be paid out of such fees. But if the fees collected are insufficient to pay the salary of each officer, it provides he is to have no more compen sation. * * * Again, it is a well-known fact that large amounts of fees taxed in the various county offices are not collectable, because the parties against whom they are taxed are insolvent, worthleses and unable to, and do not pay. This court may take judicial cognizance of that fact. It cannot be said that such fees have not been earned by the officer taxing them. Because they are never collected and never paid into the treasury and there is not enough of those that have been collected to make the amount of salary fixed by the act, such officers' salary is cut down thereby, below the amount fixed by the gradation thereof in proportion to population and necessary services required. It cannot be said that such deficiency or decrease arises from or is caused by a decrease in the services re-

for, and no provision is made for their pay-There seems to be absolutely no escape from the conclusion that in that case compensation is not graded by the act in proportion to population and necessary services required. For, in that case, the salary provided for is not paid and necessary services required and performed are not

nuired or performed. The services

been performed in such case and not paid

paid for at all. Therefore, the act does not grade compensation according to population and necessary services required. And being local and special and failing to so grade the empensation the act as to county officers falls within the inhibition of the constitutional provision against local and special egislation, and does not fall within the exception to that provision and therefore is in my opinion unconstitutional and void.

RELIEF FOR AUDITORS.

Legislature Will Have to Legalize Commissioners' Acts. In nearly all counties where the fees colthe question is, I think, that the law itself | aries allowed in the bill, the County Comis to do the grading, by prescribing such | missioners have made allowance to officers a standard, system or rules from which I to cover the deficiency. The Legislature will the compensation of each officer can upon | be asked this winter to afford relief to these counties by legalizing the acts of the commissioners. Should the Legislature decline to do this, it would leave some of the treasurers and auditors in pretty bad shape. In Marion county, for example, ditor's fees do not amount to much more than \$500 a year and he would be out thousands of dollars he has paid for clerk hire if this were all he could get. Mr. Van Arsder, who was chairman of the

committee on fees and salaries in the house two years ago, has stated that this clause requiring the salaries to come out of fees was put in the bill after it left the hands of the committee. An Indianapolis lawyer who examined the original bill in the State Library declares that it contains this clause, and doubts if Mr. Van Arsdal knows exactly what his bill contains,

Danger on Railway Trestles.

To the Editor of the Indianapolis Journal: Your editorial in the Sunday Journal of Dec. 20, in regard to railroad accidents and risks, prompts me to say for public consideration what I have many years past contemplated urging upon the Legislature, in regard to the general tendency and practice of people to risk crossing on railroad trestles. I take such risks often, and will continue to do so, notwithstanding I have twice nearly lost my life by them. So will everybody else. The railroad superintendent who issues the orders against footmen walking over railroad trestles and bridges will himself violate his own orders, When a tramp or any other sovereign of the United States has walked for miles on a level railroad track, it is too great a draft on human nature to expect him, on anproaching a two-hundred-feet trestle, or longer, to slide down a high embankment, tear his clothes crawling through two or more barbed wire fences, which he is apt to meet, cross a quagmire and almost, not quite, jump a branch and land knee deep in its water and mud bottom. No amendment is authorized arbitrarily to fix | train being in sight or hearing he will take salaries for the officers of a single county, the risk. So would Grover Cleveland if a and by its own declaration that they were | duck should fly that way. Then why shall

Well, what is the remedy? I think it is act of 1895 by which it can be made to very simple. Let the coming Legislature appear that the salaries therein provided | require railorads to build a footwalk on one for the county officers are graded in or both sides of every trestle, and to be proportion to population and necessarily attached thereto wherever the county commissioners shall, on the petition of a specified number of resident citizens, order the same; the county to pay the reasonable cost of the same, both in construction and constitution no more precludes a judicial repair. The railroads could not complain of this, and it would save them many vexatious lawsuits. At Clinton, the home of in an apportionment act to the effect that | Governor Matthews, there is a railroad the apportionment therein provided had trestle across a low marshy bottom one thousand feet long, then a bridge across the Wabash river, where notices in big letters are posted, warning people not to walk over the cases arising under such acts has them, and, notwinstanding these notices, and the further fact that the ties are cut off so short that it is impossible for a footman to step aside for a passing train, footmen, footwomen and footchildren cross them by thousands every year. In time of flood this trestle is the only place footmen can cross the bottom. Where the temptation is so great and the practice so general for footmen to walk over railroad trestles. our laws and the railroads would far better

conform to and provide for it. JOHN T. CAMPBELL.

Rockville, Ind., Dec. 22. For Dyspensia

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